

**FREEDOM MINE**  
THE COTEAU PROPERTIES COMPANY

November 6, 2024

Mr. Jonathan Emmer  
Director Reclamation  
Division Public Service  
Commission 600 East  
Boulevard Avenue  
Department 408  
Bismarck, ND 58505-0480

Dear Mr. Emmer:

Revision 29 to Permit NACT-0201 has been uploaded to Permit Services. Deficiencies listed in your October 8, 2024, letter have been addressed, with responses listed below. All changes have been tracked in track changes and highlighted in cyan.

**Section 3.1 – Operations - General**

1. *Please update Section 3.1.5 (Post-Mining Area Slope Map) and Section 3.1.9 (Post-Mining Topography Development Map) to reflect the postmining topography changes proposed with Revision No. 29. The Reclamation Division has finished reviewing the changes and has no further deficiencies regarding the newly proposed topography. (SMN)*

Section 3.1.5 (Post-Mining Area Slope Map) and Section 3.1.9 (Post-Mining Topography Development Map) have been updated to reflect the postmining topography changes proposed with Revision No. 29.

**Section 4.0 – Post-mining Land Use and Revegetation**

2. *Follow-up to Item No. 22: Section 4.2.3.1 (Post-Mining Replacement Woodlands) indicates that two woodlands are to be planted in Section 14, T145N, R88W; however, Section 4.1.2 (Post-Mining Topography and Land Use Map) depicts only one woodland (W-W14-01) in Section 14. In addition, Section 4.1.3 (Pre- and Post-Mining Land Use Comparison Table) incorrectly indicates that 0.0 acres of post-mining woodland are to be restored on Coteau owned property in Section 14. Please review and revise as appropriate. (GAW)*

After review, woodland plantings W-W14-01 and W-W14-02 have been removed from Sections 4.1.2 (Post-Mining Topography and Land Use Map) and 4.2.3.1 (Post-Mining

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Replacement Woodlands) as there were no pre-mining trees or associated shrubs located within the Coteau owned lands, only isolated shrubs as indicated in Section 4.2.3.2 (Pre-Mine Tree and Shrub Replacement Classifications). These plantings were originally proposed to replace shrubs that are no longer considered woodlands with the update of Revision 24. Therefore, no replacement woodlands are necessary.

- 3. Follow-up to Item No. 22: Section 4.1.2 (Post-Mining Topography and Land Use Map) depicts an unlabeled woodland in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 3, T144N, R88W. Shelterbelt SB3-1-144-88 was located at this site prior to mining and has been partially removed. Please review and revise to clarify if a woodland or shelterbelt is planned at this location. (GAW)*

The unlabeled feature depicted in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 3, T144N, R88W was labeled incorrectly as a replacement woodland. This feature was originally meant to represent a replacement shelterbelt under the original ownership. Since Coteau is now the current owner, Coteau has elected not to replace the shelterbelt as the original farmstead is no longer there and serves little purpose. The acreage will be instead replaced as native grasslands. Section 4.1.2 (Post-Mining Topography and Land Use Map) and Section 4.1.3 (Pre- and Post-Mining Land Use Comparison Table) have been updated to reflect this change.

- 4. Follow-up to Item No. 22: Reclaimed woodland labels W-W04-01 and W-W05-02 are listed in Section 4.1.2 (Post-Mining Topography and Land Use Map) but the woodland sites are not depicted. Section 4.2.3.1 (Post-Mining Replacement Woodlands) indicates these woodlands are 2.6 and 4.2 acres in size, respectively. Please review and revise to provide clarity. (GAW)*

Woodlands W-W04-01 and W-W05-02 are now depicted in Section 4.1.2 (Post-Mining Topography and Land Use Map).

- 5. Follow-up to Item No. 22: Reclaimed woodland W-W08-3 is depicted in Section 4.1.2 (Post-Mining Topography and Land Use Map) but it is not included in Section 4.2.3.1 (Post-Mining Replacement Woodlands). Please review and revise to provide clarity. (GAW)*

Woodland W-W08-3 has been removed from Section 4.1.2. (Post-Mining Topography and Land Use Map). Woodland W-W08-3 was removed from Section 4.2.3.1 (Post-Mining Replacement Woodlands) during Revision 24 and incorrectly depicted in Section 4.1.2 (Post-Mining Topography and Land Use Map).

6. *Follow-up to Item No. 20: Section 4.1.2 (Post-Mining Topography and Land Use Map) depicts pollinator plots on areas that have been planted to native grassland in the NE¼ of Section 4 and the NE¼ of Section 5, T144N, R88W. A pollinator plot seed mixture is not included in Section 4.2.2 (Seed Mixes) and the permit does not provide details on the planting timing, site preparation, or management of pollinator plantings on reclaimed native grassland. Coteau might consider providing additional information regarding their plans to plant pollinator plots on reclaimed lands with this permit revision. (GAW)*

Section 4.2.2 have been updated to provide information regarding the planting, and management of future pollinator plantings.

### **Consolidated Bonding Plan**

7. *Follow-up to Item No. 23: Please review and update the consolidated bonding plan to incorporate the changes proposed in Revision No. 29 to determine the worst-case scenario. (SMN, JWE)*

Coteau is in the process of updating the consolidated bonding plan. This is a tedious and time-consuming update with a large amount of detail. However, for the estimate to be as accurate as possible, the topography needed to be adequately addressed, to minimize the number of renditions to the worst-case scenario. This in turn causes the revision approval to be delayed which can ultimately affect our reclamation efforts. Therefore, we ask that topographical changes in Revision 29 to NACT-0201 be conditionally approved in order to proceed with the reclamation efforts as the consolidated bonding plan is being addressed.

In addition to the deficiencies listed above, the following sections of Permit NACT-0201 were also updated.

### **Section 1.5 – Identification of Interests and Rights of Entry**

8. Coteau has purchased the coal reserves from Herman A. Hafner in Tract 28 in Section 1, 144N, R89W. As a result, Coteau now has 81.25% of the coal either leased or owned. Sections 1.5.1 (Permit Area Surface and Coal Interests) and 1.5.3 (Surface and Coal Ownership Map) have been updated to show this change.

### **Section 3.0 – Operations Plans**

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9. Overburden pile OB-W14-01 boundary has been updated to include a small drainage area along the southwest boundary in Section 14. As a result, Section 3.1.3 (Pit Layout and Facilities Map), and Section 3.3.2 (Surface Water Management Plan Map) have been updated as a result of this change.

If you have any questions, please contact this office.  
Sincerely,

THE COTEAU PROPERTIES COMPANY

/s/

Mark Wallen  
Environmental Specialist

MAW  
Enc.

Uploaded via Permit Services